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Patricia Lee (8287)  
Maria E. Quiroga (13939)  
**HUTCHISON & STEFFEN, LLC**  
Peccole Professional Park  
10080 West Alta Drive, Suite 200  
Las Vegas, Nevada 89145  
Telephone: (702) 385-2500  
Facsimile (702) 385-2086  
plee@hutchlegal.com  
mquiroga@hutchlegal.com

*E-Filed on 04/07/17*

*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ETERNAL CHARITY FOUNDATION, a  
Nevada Non-Profit Corporation; THE  
KALGIDHAR TRUST, a Nevada Trust.

Case No: 2:16-cv-02336-JCM-CWH

Plaintiffs,  
v.

**ORDER TO ENLARGE TIME AND  
TO SERVE SUMMONS AND  
COMPLAINT TO DEFENDANT  
AMARJIT SINGH DUGGAL BY  
PUBLICATION**

BBC BROADCASTING INC., a  
Washington Corporation and Licensee of  
Station KRPI (AM) 1550 KHZ, Ferndale  
Washington; KRPI (AM)1550 KHZ-  
SHER-E-PUNJAB RADIO  
BROADCASTING INC., a Corporation in  
Richmond, British Columbia; BHAG  
SINGH KHELA, an individual; KULDIP  
SINGH; an individual JAGREET SINGH

1 GILL, an individual, AMARJIT SINGH  
2 DUGGAL, an individual.

3 Defendants.

4 IT IS HEREBY ORDERED, JUDGED AND DECREED that an Order for extending the  
5 time for service of process upon defendant Amarjit Singh Duggal by publication is hereby  
6 **GRANTED**, for the reasons set forth below.

7 Federal Rule of Civil Procedure 4(e)(1) provides for service “pursuant to the law of the  
8 state in which the district court is located, or in which service is effected.” Under Nevada Rule  
9 of Civil Procedure (“NRCF”) 4, parties are required to personally serve summons and the  
10 complaint upon defendants. When personal service is impossible, however, NRCF 4(e)(1)(i)  
11 provides that a party may file a motion for service by publication when the opposing party  
12 “resides out of state, or has departed from the state, or cannot, after due diligence be found  
13 within the state, or by concealment seeks to avoid the service of summons.” When service of  
14 the summons is made by publication, the summons shall, in addition to any special statutory  
15 requirement, also by concealment seeks to avoid the service of summons.” When service is  
16 made by publication, the summons shall, in addition to any special statutory requirements, also  
17 contain a brief statement of the object of the action. NRCF 4(b).

18 A party moving for service by publication must seek leave of court by filing an affidavit  
19 demonstrating he diligently attempted to serve the defendant. There are several factors courts  
20 consider to evaluate a party’s due diligence, including the number of attempts made to serve the  
21 defendant at his residence and other methods of locating defendants, such as consulting public  
22 directories and family members. *See Price v. Dunn*, 787 P.2d 785, 787 (Nev. 1990); *Abreu v.*  
23 *Gilmer*, 985 P.2d 746, 747 (Nev. 1999); *McNair v. Rivera*, 874 P.2d 1240, 1241 (Nev. 1994).

24 Further, Courts have broad discretion to extend time for service under Rule 4(m). *Efaw*  
25 *v. Williams*, 473 F.3d 1038, 1041 (9<sup>th</sup> Cir. 2003). The [90]-day time period for service  
26 contained in Rule 4(m) “operates not as an outer limit subject to reduction, but as an irreducible  
27 allowance.”  
28

1 Here, personal service to defendant Mr. Duggal has been impossible despite plaintiffs'  
2 diligent efforts. Service has been attempted on multiple dates, (11/14, 12/4, 12/5, 12/6), multiple  
3 locations (three different addresses) and in conjunction with a through effort to identify the  
4 proper individual and locale for service. After plaintiff's first request to extend time to enlarge  
5 service, further due diligence was conducted by private investigator, Bert Lott. Mr. Lott's  
6 investigation included databases and other investigate sources such as credit histories, motor  
7 vehicle records, utilities, public records, phone records, property records, court records,  
8 recorded documents, and other forms of recorded information. Mr. Duggal's exact whereabouts  
9 remain to be unknown. Nevertheless, upon information and belief, Mr. Duggal is aware this  
10 action has been initiated against him and may be intentionally evading service. Defendant  
11 Jagreet Singh Gill who has been served and has answered the complaint is a close friend to Mr.  
12 Duggal who may have informed Mr. Duggal that this lawsuit is pending. Plaintiffs also have an  
13 email address for Mr. Duggal that upon information and belief is a valid email address.  
14 Plaintiffs will send Defendant Duggal a copy of the publication via email. Multiple addresses  
15 were found, the viable address had already been attempted. Accordingly, the Court GRANTS  
16 plaintiffs' motion.  
17

18 IT IS FURTHER ORDERED, JUDGED AND DECREED that an Order extending the  
19 time for service in this matter for an additional (90) days from Notice of entry of this Order is  
20 hereby granted.

21 IT IS FURTHER ORDERED, JUDGED AND DECREED that Court GRANTS the  
22 motion for service by publication. Plaintiffs should comply with the requirements of Nevada  
23 Rule Civil Procedure 4 and shall:

- 24 (a) Serve Defendant Amarjit Singh Duggal by publication in a newspaper of general  
25 circulation in the State of Nevada on a weekly basis for a period of four weeks.

26 //

27 //

1 (b) After publication is complete, Plaintiffs shall file an Affidavit of Publication from  
2 the Nevada newspaper.

3 IT IS SO ORDERED.

4  
5 DATED: April 10, 2017

6  
7  
8 Submitted by:

9 HUTCHISON & STEFFEN, LLC

10 /s/ Maria E. Quiroga

11 \_\_\_\_\_  
12 Patricia Lee (8287)  
13 Maria E. Quiroga (13939)  
14 Peccole Professional Park  
15 10080 West Alta Drive, Suite 200  
16 Las Vegas, NV 89145  
17 Tel: (702) 385-2500  
18 Fax: (702) 385-2086  
19 plee@hutchlegal.com  
20 mquiroga@hutchlegal.com

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28 *Attorneys for Plaintiffs*

  
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C.W. HOFFMAN, JR.  
UNITED STATES MAGISTRATE JUDGE